

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLEVELAND M. GAYLE, JR.,

Plaintiff,

HONORABLE VICTORIA A. ROBERTS
Case No. 12-cv-10898

Magistrate Judge Michael J. Hluchaniuk

v.

ARBOR MORTGAGE CORPORATION,
IVAN KAUFMAN, CITIMORTGAGE, INC.,
SANJIV DAS, PAUL INCE, DANIEL
HOFFMAN, MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, R.K.
ARNOLD, BILL HUFFMAN, and
POTESTIVO ASSOCIATES, et al.,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION THAT DEFENDANTS'
MOTION TO DISMISS BE GRANTED (Doc. #5)**

I. INTRODUCTION

Before the Court is Defendants' motion to dismiss Plaintiff's claims. Plaintiff filed this *pro se* complaint alleging that Defendants violated the Truth in Lending Act (TILA), the Real Estate Settlement Procedures Act, and Home Ownership and Equity Protection Act at the origination of his mortgage loan. Among other allegations, Plaintiff says that he was fraudulently induced into his mortgage loan because he did not receive certain things such as disclosure of the three day rescission period under TILA. He also says at no time did he receive copies of his loan documents. Plaintiff requests that his loan be rescinded.

On March 6, 2012, the Court referred this matter to Magistrate Judge Michael J.

Hluchaniuk pursuant to 28 U.S.C. § 636(b)(1)(B). On December 12, 2012, the Magistrate Judge filed his Report and Recommendation granting Defendants' motion. Plaintiff objects.

This Court reviews *de novo* any part of the Magistrate Judge's Report and Recommendation on a dispositive motion that is properly objected to. 28 U.S.C. § 636(b)(1). After careful review of the entire record, the Court agrees with the Magistrate Judge's conclusions. The Magistrate Judge's thorough Report and Recommendation lays out the facts and procedural history of the case, as well as the relevant case law, and grants Defendants' motion with a reasoned explanation for his holding.

The Court **ACCEPTS** Magistrate Judge Michael J. Hluchaniuk's Report and Recommendation. Defendants' motion to dismiss is **GRANTED**; Plaintiff's claims are **DISMISSED**.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: February 26, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record and Cleveland M. Gayle Jr. by electronic means or U.S. Mail on February 26, 2013.

S/Carol A. Pinegar
Deputy Clerk